IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Pappu Ram Vs. State of Rajasthan & Ors.
D.B. HABEAS CORPUS WRIT PETITION NO.904/2007

Writ Petition under Article 226 of the Constitution of India.

DATE OF ORDER :: 26th February, 2007.

PRESENT

HON'BLE MR.JUSTICE S. P. PATHAK
HON'BLE MR.JUSTICE G. S. SARRAF

Mr. Arjun Purohit for petitioner.
Mr. S.K. Vyas, G.A.
Ms. Bhawana Bhati, assisting lawyer.

The Corpus Anita was produced in the Court at about 11 AM. She was relegated to our chambers in the company of lady Advocate Ms. Bhawana Bhati and there she remained for about two hours. Thereafter, we talked to the corpus and also carefully perused the habeas corpus petition alongwith its documents.

A perusal of the documents, particularly the photocopy of an affidavit, which is on a non-judicial stamp of Rs.10, reveals that the corpus is already married. She has stated her aged to be 16 years. The father of the corpus, who is present today, states that in relation to the previous marriage of her daughter, a dispute is pending and that has to be settled and thereafter only the matter for her re-marriage would be considered.

In view of above factual aspect of the matter that the girl is already married and the earlier marriage has not yet been broken and she has been produced from the custody of her parents, therefore, we deem it proper to direct that custody of the girl shall be given to her father respondent Nemichand.

There remains no cause to be decided in the petition. The petition stands dismissed.

(G.S. SARRAF)J. **(SATYA PRAKASH PATHAK)J.**

/jpa